

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HAYNES INTERNATIONAL, INC.,)	
)	
Plaintiff,)	Civil Action No. 04-197(E)
)	
v.)	JURY TRIAL DEMANDED
)	
ELECTRALLOY, a Division of G.O.)	
CARLSON, INC.,)	Judge Cohill
)	
Defendant.)	

**DEFENDANT'S MOTION TO STRIKE THE SECOND DECLARATION
OF PAUL MANNING IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Electralloy, a Division of G.O. Carlson, Inc., through its undersigned counsel, pursuant to Federal Rule of Civil Procedure 56(e), respectfully moves this Court to strike the Second Declaration of Paul Manning, submitted in opposition to Defendant's Motion for Summary Judgment (the "2nd Manning Decl."). The 2nd Manning Decl. fails to meet the any of the requisites of Federal Rule 56(e): (i) it is not based on personal knowledge; (ii) it does not constitute evidence that would be admissible at trial; and (iii) Mr. Manning is not competent to testify to the statements therein.

In support of this Motion, Defendant relies upon and incorporates the factual and legal discussion contained in the accompanying Defendant's Reply Memorandum of Law in Further

Support of Its Motion for Summary Judgment and In Support of Its Motion to Strike the Second
Declaration of Paul Manning.

Respectfully submitted,

BLANK ROME LLP

By:


Timothy D. Pecsenye
Dennis J. McCooe
Emily J. Barnhart
One Logan Square
Philadelphia, PA 19103
(215) 569-5619

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Emily J. Barnhart, hereby certify that on this 18th day of October, 2005, a true and correct copy of the foregoing MOTION TO STRIKE was served on the attorneys for Plaintiff by Federal Express, addressed as follows:

Lynn J. Alstadt, Esquire
Bryan H. Opalko, Esquire
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219



EMILY J. BARNHART